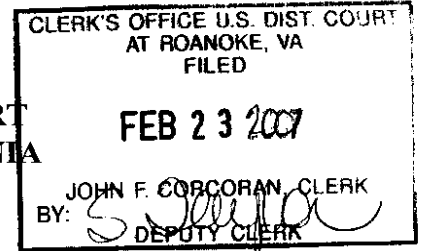


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



THE ESTATE OF HEZEKIAH )  
HARVEY, by and through his legal )  
representative, ALICE ANN DENT, )  
ADMINISTRATOR, )  
Plaintiff, )  
v. )  
ROANOKE CITY SHERIFF'S )  
OFFICE, et al., )  
Defendants. )

Civil Action No. 7:06CV00603

**ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The motion to dismiss filed by the City of Roanoke shall be and hereby is **GRANTED**, and all of the claims against the City shall be and hereby are **DISMISSED**; and
2. The motion to dismiss filed by the Sheriff's Office defendants shall be and hereby is **GRANTED IN PART AND DENIED IN PART**. Specifically, the motion is **GRANTED** with respect to the plaintiff's claims for declaratory and injunctive relief; the plaintiff's federal claims against the Sheriff's Office; the plaintiff's federal claims against the Sheriff and the defendant deputies in their official capacities; the plaintiff's claims under 42 U.S.C. §§ 1985 and 1986 against the Sheriff and the defendant deputies in their individual capacities; the plaintiff equal protection claim against the Sheriff and the defendant deputies in their individual capacities; the plaintiff's negligent hiring claim against the Sheriff in her

individual capacity; and the plaintiff's state law claim for outrageous conduct.

The motion to dismiss will be **DENIED** with respect to the remaining claims.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to all counsel of record.

**ENTER:** This 23<sup>rd</sup> day of February, 2007.



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United States District Judge